

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

| | | |
|------------------------|----------|------------------------------|
| IN RE: | § | CASE NO. 15-10109-HCM |
| COINTERRA, INC. | § | |
| | § | |
| | § | CHAPTER 7 |
| DEBTORS | § | |

**APPLICATION FOR TRUSTEE'S COMPENSATION AND EXPENSES- RE;
AMENDED TRUSTEE'S FINAL REPORT & ACCOUNT**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR
INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM
THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE
GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE
HELD.**

**TO THE HONORABLE H. Christopher Mott-Austin
UNITED STATES BANKRUPTCY JUDGE:**

COMES NOW, Randolph N. Osherow, chapter 7 trustee for the estate of Cointerra, Inc. and files this Application for Trustee's Compensation and Expenses ("Application") to request compensation and reimbursement of expenses pursuant to 11 U.S.C. § 330(a)(1) and (a)(7). In support of the Application, the trustee submits the following information.

1. On January 24, 2015, the trustee was duly appointed as the chapter 7 trustee.
2. Contemporaneously with the filing of the Application, the trustee has filed a Trustee's Final Report ("TFR") and a Notice of Trustee's Final Report ("NFR").
3. Pursuant to 11 U.S.C. 326(a), the maximum compensation allowable to the trustee is \$10,665.52 based on the total amount disbursed to parties in interest, except for amounts disbursed to the debtor, or to any entity, if the funds disbursed were not property of the estate, e.g. return of a sale deposit. See attached **Exhibit 1** for a detailed calculation of the compensation requested.
4. The trustee has received \$9,308.77 of the maximum compensation allowable as interim compensation, and now requests \$1,356.75 as final compensation, subject to additional compensation based on the disbursement of additional interest income to parties in interest.

5. In addition, the trustee requests \$227.62 for reimbursement of reasonable and necessary expenses incurred in the administration of the estate. See attached **Exhibit 2** for an itemization of the trustee's expenses.

6. In the event additional interest income accrues on estate funds after the filing of the TFR and before distribution of funds by the trustee, the trustee requests approval of additional compensation based on the disbursement of this additional interest income to parties in interest without further Order of the Court.

WHEREFORE, PREMISES CONSIDERED, Randolph N. Osherow, the chapter 7 trustee, requests approval of \$1,356.75 in compensation and \$227.62 in reimbursement of expenses.

Dated:

By: /s/ Randolph N. Osherow
Randolph N. Osherow
Chapter 7 Trustee

Exhibit 1 page 1

Include Trustee Compensation Calculation:
(Show how trustee comp. Is calculated)

Total Disbursements (Trustee Compensable) - (Refunds Exhibit B-1) = Trustee Compensable
Disbursements

148,310.36 - 0.00 = 148,310.36

| | | |
|--------------------------------------|-------------|--------------------|
| 25% ON FIRST | \$5,000.00 | \$1,250.00 |
| 10% ON NEXT | \$45,000.00 | \$4,500.00 |
| 5% ON NEXT | \$98,310.36 | \$4,915.52 |
| 3% ON BALANCE | \$0.00 | \$0.00 |
| Maximum Trustee Compensation | | <u>\$10,665.52</u> |
| - minus Interim Compensation | | <u>(9,308.77)</u> |
| Total Allowable Trustee Compensation | | <u>\$1,356.75</u> |
| + plus Quantum Meruit | | <u>0.00</u> |
| Amount Requested Herein | | <u>\$1,356.75</u> |

Randolph N. Osherow
Exhibit 2
342 West Woodlawn, Suite 100
San Antonio, TX 78212

April 27, 2018

Invoice #10048

Professional services

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|------------|---|------------------|---------------|
| 3/5/2015 | K25 Type motion to limit matrix to those parties filing a notice of appearance, etc. | 0.20 25.00/hr | 5.00 |
| | K25 Work on making copies and sending mailouts in regards to motion to limit matrix to those parties filing a notice of appearance, etc. | 0.20 25.00/hr | 5.00 |
| 6/10/2015 | K25 Type certificate of limited mailing matrix. | 0.20 25.00/hr | 5.00 |
| | K25 Work on making copies and sending mailouts in regards to certificate of limited mailing matrix. | 0.20 25.00/hr | 5.00 |
| 12/23/2016 | K25 Type application to close and reopen case. | 0.20 25.00/hr | 5.00 |

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|----------------|---|------------------|---------------|
| 12/23/2016 K25 | Work on making copies and sending mailouts in regards to application to close and reopen case. | 0.20 25.00/hr | 5.00 |
| 6/20/2017 K25 | Work on making copies and sending mailouts in regards to form 1120 for year 2017 sent to the IRS. | 0.20 25.00/hr | 5.00 |
| K25 | Work on making copies and sending mailouts in regards to form 1120 for year 2015 sent to the IRS. | 0.20 25.00/hr | 5.00 |
| K25 | Work on making copies and sending mailouts in regards to application to employ accountant. | 0.20 25.00/hr | 5.00 |
| 7/3/2017 K25 | Work on downloading claims and hard copies of claims. | 2.00 25.00/hr | 50.00 |
| 7/10/2017 K25 | Work on claims objection in the case. 8:30 to 12 noon 1 pm to 2:30 pm. | 5.00 25.00/hr | 125.00 |
| 7/11/2017 K25 | Work on making copies and sending mailouts in regards to omnibus objection to claims. | 0.40 25.00/hr | 10.00 |
| K25 | Type omnibus objection to claims. | 1.50 25.00/hr | 37.50 |
| 8/23/2017 K25 | Type objection to claim 33-1. | 0.20 25.00/hr | 5.00 |

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|------------|---|------------------|---------------|
| 8/23/2017 | K25 Work on making copies and sending mailouts in regards to objection to claim 33-1. | 0.20 25.00/hr | 5.00 |
| 11/21/2017 | K25 Type claims objection to claim 22-1. | 0.20 25.00/hr | 5.00 |
| | K25 Work on making copies and sending mailouts in regards to claims objection to claim 22-1. | 0.20 25.00/hr | 5.00 |
| | For professional services rendered Additional charges: | 11.50 | \$287.50 |
| 3/4/2015 | FedEx in regards to documents sent to Wright Ginsberg Brusilow, PC in Dallas, TX. | | 21.69 |
| 3/5/2015 | Postage expense in regards to motion to limit matrix to those parties filing a notice of appearance, etc. | | 194.88 |
| | Copying cost in regards to motion to limit matrix to those parties filing a notice of appearance, etc. | | 130.20 |
| 3/11/2015 | Fed Exp cost in regards to transmittal to Barrett Daffin Frappier Turner. | | 23.39 |
| 3/12/2015 | Fed Exp cost in regards to return from Barrett Daffin Frappier Turner. | | 21.51 |
| 3/20/2015 | FedEx in regards to remittal of documents to Wright Ginsburg Brusilow, PC. | | 31.01 |
| 3/30/2015 | Copying cost in regards to transmittal sent to Barrett Daffin Frappier Turner. | | 3.00 |

Amount

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|------------|---|-------|
| 3/30/2015 | FedEx in regards to remittal of documents to Marsha Kocurek. | 11.69 |
| | Fed Exp cost in regards to transmittal to Barrett Daffin Frappier Turner. | 23.39 |
| | Copying cost in regards to transmittal to Barrett Daffin Frappier Turner. | 3.00 |
| 6/10/2015 | Copying cost in regards to certificate of limited mailing matrix. | 39.90 |
| | Postage expense in regards to certificate of limited mailing matrix. | 61.11 |
| 12/23/2016 | Copying cost in regards to application to close and reopen case. | 44.10 |
| | Postage expense in regards to application to close and reopen case. | 61.38 |
| 2/14/2017 | FedEx in regards to remittal to Kell Mercer. | 7.50 |
| 3/8/2017 | FedEx in regards to remittal from Kell Mercer. | 24.45 |
| 6/20/2017 | Postage expense in regards to form 1120 for year 2017 sent to the IRS. | 2.46 |
| | Copying cost in regards to form 1120 for year 2017 sent to the IRS. | 11.70 |
| | Postage expense in regards to form 1120 for year 2015 sent to the IRS. | 2.46 |
| | Copying cost in regards to form 1120 for year 2015 sent to the IRS. | 15.30 |
| | Postage expense in regards to application to employ accountant. | 37.72 |
| | Copying cost in regards to application to employ accountant. | 9.30 |

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Amount

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|------------|--|--------|
| 6/20/2017 | Postage expense in regards to application to employ accountant. | 58.65 |
| 7/11/2017 | Postage expense in regards to omnibus objection to claims. | 60.72 |
| | Postage expense in regards to omnibus objection to claims. | 25.56 |
| | Copy expense in regards to omnibus objection to claims. | 208.50 |
| 8/22/2017 | Postage cost in regards to trustee's summary of application for compensation and expenses. | 60.72 |
| | FedEx charges in regards to remittal of TDRs and bank statements to US Trustee. | 100.00 |
| | Copying cost in regards to trustee's summary of application for compensation and expenses. | 39.60 |
| | Final Report Package Expense-copies & postage. | 100.00 |
| 8/23/2017 | Copying cost in regards to objection to claim 33-1. | 48.60 |
| | Postage expense in regards to objection to claim 33-1. | 36.80 |
| | Postage expense in regards to objection to claim 33-1. International mail. | 60.95 |
| 11/21/2017 | Copying cost in regards to claims objection to claim 22-1. | 7.50 |
| | Postage expense in regards to claims objection to claim 22-1. | 1.84 |
| 3/21/2018 | Copying cost in regards to trustee's summary of application for compensation and expenses. | 39.60 |

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| | <u>Amount</u> |
|--|--------------------------|
| 3/21/2018 Postage cost in regards to trustee's summary of application for compensation and expenses. | 62.04 |
| 4/27/2018 Postage cost in regards to trustee's summary of application for compensation and expenses. Re: Amended TFR | 62.04 |
| Copying cost in regards to trustee's summary of application for compensation and expenses. Re: Amended TFR | 39.60 |
| Final Report Package Expense-copies & postage. Re: Amended TFR. | 75.00 |
| Total costs | <u>\$1,868.86</u> |
| Total amount of this bill | <u><u>\$2,156.36</u></u> |

| Timekeeper Summary | | | |
|--------------------|--------------|-------------|---------------|
| <u>Name</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
| KERI GESSNER | 11.50 | 25.00 | \$287.50 |